

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FIRST CHOICE FEDERAL CREDIT)
UNION, CREDIT UNION NATIONAL)
ASSOCIATION, MICHIGAN CREDIT)
UNION LEAGUE, WRIGHT-PATT CREDIT)
UNION, ENVISTA CREDIT UNION,)
GREENVILLE HERITAGE FEDERAL)
CREDIT UNION, FINANCIAL HORIZONS)
CREDIT UNION, INDIANA CREDIT)
UNION LEAGUE, GEORGIA CREDIT)
UNION AFFILIATES, FIRST NBC BANK,)
GREATER CINCINNATI CREDIT UNION,)
ALIGN CREDIT UNION, CENTRUE BANK,)
NUSENDA CREDIT UNION, NORTH)
JERSEY FEDERAL CREDIT UNION,)
ALCOA COMMUNITY FEDERAL CREDIT)
UNION, OHIO CREDIT UNION LEAGUE,)
KEMBA FINANCIAL CREDIT UNION, THE)
SEYMOUR BANK, ASSOCIATED CREDIT)
UNION, NAVIGATOR CREDIT UNION, and)
MEMBERS CHOICE CREDIT UNION,)
Plaintiffs,)
)
VERIDIAN CREDIT UNION <i>on behalf of</i>)
<i>itself and all others similarly situated</i> , TECH)
CREDIT UNION <i>on behalf of itself and all</i>)
<i>others similarly situated</i> , SOUTH FLORIDA)
EDUCATIONAL FEDERAL CREDIT)
UNION, PREFERRED CREDIT UNION <i>on</i>)
<i>behalf of themselves and all others similarly</i>)
<i>situated</i> , and AOD FEDERAL CREDIT)
UNION <i>on behalf of itself and all others</i>)
<i>similarly situated</i> ,)
Consolidated Plaintiffs,)
)
v.)
)
THE WENDY'S COMPANY, WENDY'S)
RESTAURANTS, LLC, and WENDY'S)
INTERNATIONAL, LLC,)
)
Consolidated Defendants.)
)

HEARING MEMO

HEARING HELD: Status Conference

DATE HEARING HELD: September 7, 2016

BEFORE: Chief Magistrate Judge Maureen P. Kelly

Appearing for Plaintiffs:

Gary F. Lynch, Esquire

Erin G. Comite, Esquire

Appearing for Defendants:

Stephen S. Stallings, Esquire

Kristine McAlister Brown, Esquire

Donald M. Houser, Esquire

Hearing began at 1:25 p.m.

Hearing concluded at 2:05 p.m.

Stenographer: None

OUTCOME:

1. Reviewed current posture of the case.
2. Update provided as to initial discovery, development of protocols, meet and confer conferences and related issues.
3. Discussed data breach as it relates to franchisees and point of sale systems.
4. Defendants may file three page supplement to brief in support of Motion to Dismiss to address recent Third Circuit decision. Plaintiffs may have 3 additional pages for their brief in opposition to Motion to Dismiss.
5. As to initial written discovery, Plaintiffs to send confirming letter outlining narrowing of requests by 9/9/16. Defendants to respond to Plaintiffs' initial Requests for Production of Documents by 10/24/16. Production can be rolling.
6. Defendants may serve narrow Requests for Production of Documents on Plaintiffs. Counsel are directed to then meet and confer.
7. As to replies relative to Motion to Dismiss, Defendants' reply is due 7 days after the response in opposition is filed. Plaintiffs' sur-reply is due 7 days after receipt of the reply.

cc: All counsel of record by Notice of Electronic Filing